

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENTLY C. RUBSAM,

Defendant.

Case No. 4:20-cr-40019-JPG-1

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Brently C. Rubsam's motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Doc. 68). The Government agrees with the motion (Doc. 70).

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) (2023) and concerns criminal history points awarded because a defendant was under a criminal sentence when he committed his offense of conviction ("status points"). Under Amendment 821, the defendant's 2 status points are reduced to 0 status points, and his criminal history category is reduced from III to II. The result is that his guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 121 months to 120 months in prison on all counts of conviction is appropriate, to run consecutively to the 3-month term imposed in Case No. 3:08-cr-30005-JPG. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 68) and reduces the defendant's sentence of imprisonment from 121 months to **120 months**, consecutive to the 3-month term imposed in Case No. 3:08-cr-30005-JPG. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction.

IT IS SO ORDERED.

DATED: February 6, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE